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2 Councilmember Robert White, Jr.

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Councilmember Jack Evans

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6 A BILL  
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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14 To amend, on an emergency basis, due to congressional review, the District of Columbia Public  
15 Space Rental Act to authorize the use of certain public space by a legitimate theater as a  
16 sidewalk café; and to amend Chapter 3 of Title 24 of the District of Columbia Municipal  
17 Regulations to allow a legitimate theater to operate a sidewalk café, and reconcile the  
18 general requirements for a sidewalk café permit and the application procedures for a  
19 sidewalk café permit.

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
21 act may be cited as the “Legitimate Theater Sidewalk Café Authorization Congressional Review  
22 Emergency Amendment Act of 2019”.

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24 Sec. 2. The District of Columbia Public Space Rental Act, approved October 17, 1968  
25 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended by adding a new section  
26 201b to read as follows:

27 “Sec. 201b. Legitimate theater sidewalk café authorization.

28 “(a) The Mayor shall allow the use by a legitimate theater of public space abutting the  
29 legitimate theater as a sidewalk café; provided, that the applicant:

30 “(1) Meets the administrative procedures for a sidewalk café as set forth in  
31 Chapter 3 of Title 24 of the District of Columbia Municipal Code; and

32                   “(2) Obtains the necessary licenses and license endorsements required by the  
33 Alcoholic Beverage Control Board to sell, serve, or permit the consumption of alcoholic  
34 beverages in a sidewalk café pursuant to D.C. Official Code § 25-113a(c).

35                   “(b) For the purposes of this section, the term:

36                   “(1) “Legitimate theater” shall have the same meaning as in section 399.1 of Title  
37 24 of the District of Columbia Municipal Regulations (24 DCMR 399.1).

38                   “(2) “Sidewalk café” shall have the same meaning as in section 399.1 of Title 24  
39 of the District of Columbia Municipal Regulations (24 DCMR 399.1).”.

40                   Sec. 3. Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24  
41 DCMR 300), is amended as follows:

42                   (a) Section 301.3 is amended by striking the phrase “restaurant, grocery store, brewery,  
43 winery, or distillery” both times it appears and inserting the phrase “legitimate theater,  
44 restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food  
45 shop” in its place.

46                   (b) Section 303.13(h) is amended by striking the phrase “abutting restaurant” and  
47 inserting the phrase “abutting legitimate theater, restaurant,” in its place.

48                   (c) Section 399.1 is amended by adding a new definition to read as follows:

49                   “Legitimate theater - a building, or a part of a building, that is designed and used for the  
50 presentation of live plays and other forms of dramatic performance. The facility typically has a  
51 stage or other performing area plus tiers of seats for the audience, or other arrangements for the  
52 audience to sit or stand to view the performance.”.

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54                   Sec. 4. Fiscal impact statement.

55           The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
56 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
57 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

58           Sec. 5. Effective date.

59           This act shall take effect following approval by the Mayor (or in the event of veto by the  
60 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
61 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
62 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
63 D.C. Official Code § 1-204.12(a)).

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